

UNITED STATES DISTRICT COURT

District of Virgin Islands

UNITED STATES OF AMERICA

v.

TONY JEFFERSON BROWNE

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:13CR000037-G-001

USM Number: 09000-094

Gabriel J. Villegas Esquire, Assistant Federal Defender
Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☒ was found guilty on count(s) 1-4, and 8-12, 17, 19 and 20
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 2251(a)	Production of Child Pornography	1/27/2013	1
18 U.S.C. § 2251(a)	Production of Child Pornography	2/2/2013	2
18 U.S.C. § 2251(a)	Production of Child Pornography	2/15/2013	3

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The defendant has been found not guilty on count(s) 5-7 and 22☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/22/2015

Date of Imposition of Judgment



Signature of Judge

Curtis V. Gómez, District Judge

Name and Title of Judge

4/10/15

Date

Ret 4/10/15 04:13:15 PM 12:30

DEFENDANT: TONY JEFFERSON BROWNE
CASE NUMBER: 3:13CR000037-G-001

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 2251(a)	Production of Child Pornography	7/15/2012	4
18 U.S.C. § 2422(b)	Coercion and Enticement	2/15/2013	8
18 U.S.C. § 2252(a)(2)	Receipt of Child Pornography	1/27/2013	9
18 U.S.C. § 2252(a)(2)	Receipt of Child Pornography	2/2/2013	10
18 U.S.C. § 2252(a)(2)	Receipt of Child Pornography	2/15/2013	11
18 U.S.C. § 2252(a)(2)	Receipt of Child Pornography	7/15/2012	12
18 U.S.C. § 1470	Transfer of Obscene Material to Minors	1/27/2013	17
18 U.S.C. § 1470	Transfer of Obscene Material to Minors	2/2/2013	19
18 U.S.C. § 1470	Transfer of Obscene Material to Minors	2/15/2013	20

DEFENDANT: TONY JEFFERSON BROWNE
CASE NUMBER: 3:13CR000037-G-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Three Hundred Sixty (360) months on Counts 1, 2, 3 and 4; Count 8, Three Hundred Seventy Two (372) months; Counts 9-12, Two Hundred Forty (240) months and Counts 17, 19 and 20, One Hundred Twenty (120) months. All terms of imprisonment are to be served concurrently.

☒ The court makes the following recommendations to the Bureau of Prisons:

Defendant, while incarcerated shall enroll in some course of study. It can be vocational, technical or college preparatory. Defendant shall be permitted to continue supporting his dependent through the Bureau of Prisons Inmate Financial Responsibility Program.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: TONY JEFFERSON BROWNE

CASE NUMBER: 3:13CR000037-G-001

ADDITIONAL IMPRISONMENT TERMS

Pursuant to Public Law 108-405, revised DNA collection requirements under the Justice for All Act of 2004, the defendant shall submit to DNA collection while incarcerated in the Bureau of Prisons, or at the direction of the U.S. Probation Office.

Defendant shall be allowed to complete his GED while incarcerated.

Defendant shall be referred to the Sex Offender Treatment Program while incarcerated.

DEFENDANT: TONY JEFFERSON BROWNE
CASE NUMBER: 3:13CR000037-G-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Life as to Counts 1-4 and 8-12; Three (3) years as to Counts 17, 19 and 20. All terms of supervised release shall be served concurrently with one another.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☒ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: TONY JEFFERSON BROWNE
CASE NUMBER: 3:13CR000037-G-001

SPECIAL CONDITIONS OF SUPERVISION

Defendant shall comply with the standard conditions of supervised release.

Defendant shall submit to a sex offender mental health assessment and a program of sex offender mental health treatment, as directed by the U.S. Probation Office, until such time the defendant is released from the program by the probation office, and that will be vetted by the Court. This assessment and treatment will include a polygraph to assist in planning and case monitoring. The defendant may be required to contribute to the cost of services rendered in an amount to be determined by the probation officer, with the approval of the Court, based on the defendant's ability to pay. Any refusal to submit to such assessment or tests as scheduled will be a violation of the conditions of supervised release.

Defendant shall waive all rights to confidentiality regarding sex offender mental health treatment in order to allow release of information to the supervising probation officer and to authorize open communication between the probation office and the treatment provider.

Defendant shall not be at any residence where children under the age of 18 are residing without the prior written permission of the U.S. Probation Office, and that would be requiring the approval of the Court.

Defendant shall not associate with any children under the age of 18 except in the presence of a responsible adult who is aware of the defendant's background and current offense, and who has been approved by the Court.

Defendant shall not view, purchase, possess or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. Section 2256(2), unless approved for treatment purposes, or frequent any place where such material is the primary product for sale or entertainment is available.

Defendant shall register pursuant to the provisions of the Sex Offender Registration and Notification Act, or any applicable state registration law. The defendant shall submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

Defendant shall not use a computer to access any on-line computer service at any location including employment for the purpose of viewing, obtaining, or transmitting child pornography or other sexually explicit material.

Defendant shall not access Internet chat rooms for the purpose of obtaining child pornography or enticing children under the age of 18 to engage in sexually explicit activity.

Defendant shall consent to third party disclosure to any employer of potential employer concerning computer-related restrictions and monitoring requirements.

Defendant shall not possess or use a computer with access to any on-line computer service at any location including employment without the prior written approval of the Court. This includes any Internet Service provider, bulletin board system or any other public or private network or e-mail system.

Defendant shall have no contact, directly or indirectly, with any and all victims of the offense.

CASE NUMBER: 3:13CR000037-G-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,200.00	\$ 0.00	\$ 0.00

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	\$ 0.00	\$ 0.00	

- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: TONY JEFFERSON BROWNE
CASE NUMBER: 3:13CR000037-G-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ _____ due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
Special Assessment of \$1,200.00 is due and payable immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.